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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,427	11/13/2003	Eric Sprunk	D03045	9955
7590		06/12/2007		
Motorola, Inc. 101 Tournament Drive Horsham, PA 19044				
			EXAMINER HOFFMAN, BRANDON S	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/712,427	SPRUNK, ERIC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brandon S. Hoffman	2136	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 13 November 2003.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-28 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>7-15-04</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____.
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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on July 15, 2004, is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

2. Claims 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 26-28 are not limited to tangible embodiments. In view of applicants' disclosure, specification paragraph 0050, the carrier is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., diskettes, ROMs) and intangible embodiments (e.g., modulated radio frequency). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-9, 11-20, and 22-28 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Nanjundiah (U.S. Patent Pub. No. 2002/0129243).

Regarding claims 1, 6, 7, 10, 12, 13, 16, 17, 20, 24, and 26-28, Nanjundiah teaches a method/encoder/decoder/computer-readable carrier content transport system, comprising:

- A selector for selecting blocks to be encrypted as secured blocks (paragraph 0030);
- A secure block multi-encryptor, for encrypting said secured blocks for each of a plurality of classes of destination systems, thereby forming a plurality of encrypted secured block sets, such that an encrypted secured block set is decryptable by destination systems in the class associated with that encrypted secure block set (fig. 2, ref. num 112);
- A combiner for combining unsecure blocks and secure blocks into a common stream (paragraph 0026);
- A demultiplexer for separating said common stream into blocks that are usable by a destination system and blocks that are not usable by the destination system (paragraph 0027);
- A selective decryptor that decrypts usable secured blocks (paragraph 0034); and

- A reassembler for reassembling a useful signal stream from any unsecure blocks, and said secure blocks decrypted by the selective decryptor, wherein an ability to reassemble the useful signal stream relies in part on an ability to decrypt usable secure block (paragraph 0035).

Regarding claim 2, Nanjundiah teaches wherein said source stream is packetized video data (paragraph 0030).

Regarding claims 4, 8, 15, 19, and 23, Nanjundiah teaches wherein encrypting/decrypting comprises encryption/decryption utilizing at least one of AES, with at least one AES key per class of destination systems, and DES, with at least one DES key per class of destination systems (paragraph 0031).

Regarding claims 5 and 11, Nanjundiah teaches wherein said blocks are MPEG blocks and said secure blocks represent MPEG I frames (paragraph 0028).

Regarding claim 9, Nanjundiah teaches further comprising providing a decryption key for said step of decrypting (paragraph 0029).

Regarding claims 14, 18, 22, and 25, Nanjundiah teaches wherein the reassembler is an MPEG encoder/decoder (paragraph 0019).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 10, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanjundiah (U.S. Patent Pub. No. 2002/0129243) in view of Clark et al. (U.S. Patent No. 5,864,747).

Regarding claim 3, Nanjundiah teaches all the limitations of claim 1, above. However, Nanjundiah does not teach further comprising encrypting unsecure blocks such that said unsecure blocks are decryptable by each of said plurality of destination systems, if authorized by at least one conditional access system.

Clark et al. teaches further comprising encrypting unsecure blocks such that said unsecure blocks are decryptable by each of said plurality of destination systems, if authorized by at least one conditional access system (col. 6, line 63 through col. 7, line 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine encrypting unsecure blocks, as taught by Clark et al., with the method of Nanjundiah. It would have been obvious for such modifications

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because the conditional access system has already authorized the device, thus ensuring the device is capable and allowed to receive encrypted content.

Regarding claims 10 and 21, Nanjundiah teaches all the limitations of claims 6 and 20, respectively, above. However, Nanjundiah does not teach further comprising discarding secure blocks of any nonnative class.

Clark et al. teaches further comprising discarding secure blocks of any nonnative class (col. 9, lines 52-64).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine discarding blocks from nonnative classes, as taught by Clark et al., with the method of Nanjundiah. It would have been obvious for such modifications because discarding a packet that should not be used prevents a user from using it.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Hoffman/

BH

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